

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, on its own behalf and as trustee on behalf of the Lummi Nation,

**Plaintiffs,**

V.

KEITH E. MILNER and SHIRLEY A.  
MILNER,

### Defendants.

UNITED STATES OF AMERICA, on its own behalf and as trustee on behalf of the Lummi Nation,

**Plaintiff,**

V.

MARY D. SHARP,

**Defendant.**

UNITED STATES OF AMERICA, on its own behalf and as trustee on behalf of the Lummi Nation,

**Plaintiff,**

v.

BRENT C. NICHOLSON and MARY K.  
NICHOLSON.

#### Defendants.

Case No. C01-0809 RBL

**ORDER VACATING JUDGMENT AND  
ORDERING ENTRY OF JUDGMENT  
UNDER FED. R. CIV. P. 54(b)**

UNITED STATES OF AMERICA, on its own behalf and as trustee on behalf of the Lummi Nation,

**Plaintiffs,**

V.

HARRY F. CASE,

Defendant.

UNITED STATES OF AMERICA, on its own behalf and as trustee on behalf of the Lummi Nation,

Plaintiff,

V.

IAN C. BENNETT and MARCIA A. BOYD,

### Defendants.

**UNITED STATES OF AMERICA, on its own behalf and as trustee on behalf of the Lummi Nation,**

Plaintiff,

V.

DONALD C. WALKER and GLORIA  
WALKER,

## Defendants

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## THE LUMMI NATION

### **Intervenor-Plaintiff**

This matter is before the Court on the Government's Motion to Set Aside the Judgment [Dkt. #337] entered by the Clerk of the Court on April 25, 2005 [ Dkt. # 327]. As the Government correctly points out, the Court's Order of April 20 [Dkt. #326] (upon which the Judgment is based) did not purport to, and did not, resolve all issues among all parties before the court in this action. The Defendants do not dispute this. The Court's Order was not a Final Order and the Judgement [Dkt. #327] was entered erroneously. It is therefore **WITHDRAWN**.

1 However, it is apparent (and neither party disputes) that the issues adjudicated by the April 20  
2 Order (relating to the Nicholsons' violation of the Clean Water Act) are readily severable from the  
3 remaining claims against the remaining defendants. The Government has indicated that it is moving toward  
4 resolution of its claims against the other defendants, but to date no resolution has been announced to the  
5 court. There is no reason for the Nicholsons to await some future resolution of those claims while the  
6 various Orders affecting their use of their property are in place, and while they are in fact paying some  
7 rental as a condition of keeping their defense structure in place. The court therefore EXPRESSLY FINDS  
8 that there is no just reason for delaying entry of a Final Judgment as to the Government's claims against the  
9 Nicholsons, and EXPRESSLY ORDERS that such a judgment be entered by the Clerk.

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Dated this 6<sup>th</sup> day of June, 2005.

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Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE